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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/928,073

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James D. O'Brien JR.

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PATENT DOCKETING
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EXAMINER

GEORGE, KEITH M

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,073

Applicant(s)

O'BRIEN, JAMES D.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,38-43,46 and 55-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,38-43,46 and 55-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 30, 38, 40, 41, 43, 46, 56-58, 60, 61, 63-69 and 71-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Cave et al., U.S. Patent 6,404,746, hereinafter Cave.
3. Referring to claim 30, 65 and 71, Cave teaches a system and method for packet network media redirection. In figure 3, Cave teaches a block diagram of the preferred embodiment of the present invention. In order for a telephone 618 to connect to VRU 600 (a server mechanism outside the first and second network), telephone 618 must first connect to originating gateway 606 (first border network including an inbound gateway to receive a VoIP call) via PSTN 608. Gateway 606 then packetizes the data and attaches the appropriate headers to the packets for transmission to packet VRU 600. An H.323 call using Q.931 signaling and H.245 call control is set up between gateway 606 and packet VRU 600 (an authentication mechanism outside the first network configured to authenticate a user associated with the call). To connect telephone 618 to another party, such as telephone 630, packet VRU 600 sends control signals to gateway 606 to redirect the media stream to another device (stream media content related to the VoIP call to each other) linked to packet network 602, such as destination gateway 626 (second border

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network including an outbound gateway mechanism configured to communicate with a destination of the VoIP call) (column 12, line 47 - column 13, line 5). It is clear from the description and figure 3 that the VRU is serving the functions of both the authentication mechanism and server mechanism as described by the claim language.

4. Referring to claims 38, 43, 56, 58, 60, 63, 64, 72, 74, Cave teaches the system described in reference to claims 30 and 71 above and also teaches that the application server 803, which can be part of a VRU, can command VMS 804 to execute an interactive voice script with the caller to provide voice greetings and menus. The script obtains the caller's Card Number (calling card), PIN and the PSTN phone number that the caller wishes to reach (interactive voice response mechanism) (column 14, lines 49-53).

5. Referring to claim 40, Cave teaches the system described in reference to claim 30 above and also teaches that packet VRU 600 can still maintain control of the call because packet VRU 600 does not redirect the call control signals (the server mechanism is configured to maintain control of the VoIP call) (column 13, lines 7-9).

6. Referring to claims 41 and 61, Cave teaches the system described in reference to claims 30 and 56 above where it was clearly shown that an H.323 call has set up between the gateway and the VRU (column 12, line 62).

7. Referring to claims 46 and 57, the system of Cave can clearly be used in any network environment including an environment where some of the pieces of the network are owned by company A and others are owned by company B, each company being a customer of the other. Official Notice is taken that customer relationships between companies were well-known at the

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time the invention was made and would clearly been used by Cave to enable two companies with separate pieces of the described network to work together.

8. Referring to claim 76, Cave teaches the system described in reference to claim 30 above and clearly shows in figure 3 that gateway 606 and 626 are connected through a packet network cloud for illustrative purposes and could easily be a part of the same network.

9. Referring to claim 66, Cave teaches the system described in reference to claim 65 above and also teaches that gateway 606 packetizes the data and attaches the appropriate headers to the packets for transmission to packet VRU 600 (gathering information related to the communication request and incorporate it into the authentication packet) (column 12, lines 52-54).

10. Referring to claims 67, 68 and 73, Cave teaches the system described in reference to claims 65 and 71 above and also teaches that the VRU redirects the media stream to another device linked to the packet network (column 13, lines 2-3). If the other device was not verified to be valid, the VRU would not have any place to send it too. Therefore it is inherent to the system of Cave that the destination be verified, if not, the call between two devices would not be able to be set up, which is the primary objective of the invention. It is also clear from the description that first the call signaling is set up between the gateway and the VRU and then the media path is set up.

11. Referring to claims 69 and 75, Cave teaches the method described in reference to claims 65 and 71 above where it was clearly taught that the system of Cave uses H.323.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 39 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Cave in view of Sitaraman et al., U.S. Patent 6,466,977, hereinafter Sitaraman. Cave possibly fails to teach the use of a radius server in the system described in claims 30 and 56. Sitaraman teaches a gathering mechanism (i.e. fig. 7, 46, col. 6, ll. 48-50, call agent), authenticating mechanism (i.e. fig. 7, 48, AAA proxy server can include authenticate, authorize, and accounting service functions) and stream the content after authentication (i.e. col. 7, ll. 4-11, after the user is authorized, PSTN gateway forms direct RTP stream with PSTN gateway and other gateway 56). Sitaraman also teaches that the server could use RADIUS protocol (i.e. col. 2, 41-44). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include a radius sever and stream the content after authentication as taught by Sitaraman with the system of Cave in order to allow only authorized users to use the system.

14. Claims 46 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cave in view of Hluchyj et al., U.S. Patent 6,282,193, hereinafter Hluchyj. While Cave clearly teaches the use of H.323 in the system, Cave possibly fails to mention that SIP can also be used in the network described. Hluchyj teaches call signaling protocols such as International Telecommunications Union (ITU) recommendation H.323 or Internet Engineering Task Force (IETF) Session Initiated Protocol (SIP). At the time the invention was made, it would have been

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obvious to a person of ordinary skill in the art that SIP and H.323 are two competing technologies and any teaching found in one technology would have an equal use in the other. Hluchyj is clearly teaching that the use of one or the other can clearly accomplish similar results.

15. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cave in view of Carter et al., U.S. Patent 6,266,782, hereinafter Carter. Cave teaches the system described in reference to claim 65 above with the possible exception of registering an entity with the telecommunications services network. Carter teaches an H.323 network that includes an interface to the Registration, Admission, Status (RAS) protocol that defines how H.323 entities can access H.323 gatekeepers to perform among other thing address translation (column 5, lines 30-35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the registration protocol taught by Carter in the gatekeeper shown in figure 3 of Cave. One of ordinary skill in the art would have been motivated to do this in order to allow H.323 endpoints to location other H.323 endpoints (Carter, column 5, lines 35-36).

Response to Arguments

16. Applicant's arguments with respect to claims 30, 38-43, 46 and 55-76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
19 January 2005



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SUPERVISORY PATENT EXAMINEE
TECHNOLOGY CENTER 2600 1/19/05